

PART I

CHARTER*

Article I. Powers and Functions

- Sec. 1.01. Powers and functions.
 Sec. 1.02. Private and local affairs.
 Sec. 1.03. Public corporation powers.

***Editor's note**—Printed herein is the Charter of Knox County, Tennessee, as adopted by the qualified voters of Knox County on November 8, 1988, and effective on September 1, 1990. Amendments to the charter will be indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citation to state statutes has been used. Additions made for clarity are indicated by brackets. The commission, by Ord. No. O-90-9-131, declared the following private acts null and void and of no further force and effect after September 1, 1990, in accordance with its duty to review the private acts as specified in charter section 8.12:

<i>Year</i>	<i>Chapter</i>	<i>Subject</i>
1909	254	Free ferry created
1909	498	Property tax assessor to sign fee simple conveyances
1913	248	Kindergartens; funding provided
1919	32	Subdivision maps; recording
1925	143	School teachers' retirement; as amended by Private Act ch. 255 of 1929, and Private Act ch. 688 of 1937
1925	437	Peace officers' disability retirement
1925	729	Vehicles transporting passengers for hire; bond and insurance required
1931	289	Load limits on county roads
1933	366	Dependent and neglected children; institution established
1935	801	Billboards on State Highway 33 regulated
1937	702	Coroner's compensation
1941	256	Building operations; notice of to be filed with property tax assessor
1941	257	Subdivision maps; filing with property tax assessor required
1945	529	Auditor to be elected
1947	56	Humane Society officer's compensation
1949	105	Domestic fowl trespassing
1949	568	Fireworks; possession, use, sale or manufacture prohibited
1951	130	Coal; sale regulated
1951	711	Motion picture board of review; established
1955	66	Foxes; closed season regulated
1963	17	Election officials' compensation; as amended by Private Act ch. 226 of 1972 and Private Act ch. 234 of 1980
1963	53	Court officers' compensation; as amended by Private Act ch. 45 of 1973, Private Act ch. 126 of 1975 and Private Act ch. 186 of 1975
1963	127	Law enforcement officers' medical expenses; appropriation authorized
1963	225	Workmen's Compensation Insurance for county employees
1967-68	246	Pension and other benefits for county officials and employees; as amended by Private Act ch. 26 of 1969, Private Act ch. 91 of 1975 and Private Act ch. 282 of 1980
1967-68	382	County law director; office established; as amended by Private Act ch. 488 of 1967-68 and Private Act ch. 293 of 1980
1969	37	Air pollution control board created; as amended by Private Act ch. 164 of 1979, Private Act ch. 283 of 1980 and Private Act ch. 206 of 1982
1969	121	Historic site preservation; appropriation of county funds for private, nonprofit organizations authorized
1970	297	Property taxes; payment in two installments authorized
1970	306	County-wide fire department authorized; as amended by Private Act ch. 62 of 1971
1970	326	Merit system for sheriff's employees established; as amended by Private Act ch. 368 of 1982 and Private Act ch. 198 of 1986
1970	339	Board of education; created, powers; as amended by Private Act ch. 357 of 1974, Private Act, ch. 300 of 1972, Private Act ch. 280 of 1980 and Private ch. 241 of 1982
1971	38	Newly registered voters, list required
1971	64	Office of legislative affairs created
1973	156	County primary elections; as amended by Private Act ch. 207 of 1976 and Private Act ch. 97 of 1977
1975	182	Traffic; speed regulations
1975	189	Nonprofit organizations, appropriations for
1979	162	Amusement tax; religious events exempted from tax
1980	248	Personnel merit system; county legislative body authorized to adopt
1980	286	County executive, executive departments and legislative body, authority and functions established; as amended by Private Act ch. 112 of 1981

The preamble of the charter reads as follows: "We, the people of Knox County, Tennessee, in order to establish the structure and to enlarge the powers of our County Government, to insure that it is just, orderly, efficient and fully responsible to the people, and to secure the benefit of home rule and self-government for Knox County to the fullest extent possible under the Constitution of the State of Tennessee, do hereby publish, declare and adopt this Charter of Knox County, Tennessee, as the fundamental law for the government of this County."

KNOX COUNTY CODE

- Sec. 1.04. Public corporation rights.
- Sec. 1.05. Rights reserved to the people.

Article II. Legislative Branch

- Sec. 2.01. Legislative powers.
- Sec. 2.02. Other powers.
- Sec. 2.03. Membership and election; district, seats, reapportionment and redistricting.
- Sec. 2.04. Commission members' salary and compensation.
- Sec. 2.05. Meetings and quorum.
- Sec. 2.06. Election of chairman(woman) and vice chairman(woman).
- Sec. 2.07. Removal of member of the Commission.
- Sec. 2.08. Vacancy.
- Sec. 2.09. Ordinances, emergency ordinances and resolutions.
- Sec. 2.10. Signature and veto by the Mayor of Knox County.

Article III. Executive Branch

- Sec. 3.01. Executive and administrative powers.
- Sec. 3.02. Executive branch.
- Sec. 3.03. The Mayor's duties.
- Sec. 3.04. Mayor—Term, qualifications, compensation.
- Sec. 3.05. Same—Vacancy.
- Sec. 3.06. County departments and other entities.
- Sec. 3.07. Budget procedures.
- Sec. 3.08. Knox County Law Director.
- Sec. 3.09. Sheriff.

Article IV. Judicial Branch

- Sec. 4.01. Judiciary.
- Sec. 4.02. Vacancy.
- Sec. 4.03. Abolishing divisions or altering compensation.
- Sec. 4.04. Rules of court and evidence.
- Sec. 4.05. Reserved.
- Sec. 4.06. Fourth Circuit Court.
- Sec. 4.07. Juvenile Court.

Article V. Education

- Sec. 5.01. Board of Education.
- Sec. 5.02. Board duties and powers.
- Sec. 5.03. Board salary and compensation.
- Sec. 5.04. Superintendent of Schools.
- Sec. 5.05. Board of Education employees.

Article VI. Pensions

- Sec. 6.01. Continuation of present system.
- Sec. 6.02. Pension system.
- Sec. 6.03. Knox County Retirement and Pension Board.
- Sec. 6.04. Powers and duties.

Article VII. Elections

- Sec. 7.01. Primary election required.
- Sec. 7.02. Date of primary.

CHARTER

- Sec. 7.03. Qualifying petitions.
- Sec. 7.04. Notice of election and other provisions.

Article VIII. General Provisions

- Sec. 8.01. Title and filing of Charter.
- Sec. 8.02. Liberal construction of Charter.
- Sec. 8.03. Definitions.
- Sec. 8.04. Construction of words in this Charter.
- Sec. 8.05. Amendments to this Charter.
- Sec. 8.06. Discrimination prohibited.
- Sec. 8.07. Qualification and oath of elected officers.
- Sec. 8.08. Conflict of interest.
- Sec. 8.09. Bonding of officers and employees.
- Sec. 8.10. Residence and qualifications of County officials and employees.
- Sec. 8.11. Ex-officio members [of] boards, authorities, commissions, agencies.
- Sec. 8.12. Private Acts.
- Sec. 8.13. County seal and flag.
- Sec. 8.14. Service of process on County.
- Sec. 8.15. Health service.
- Sec. 8.16. Severability.
- Sec. 8.17. Term limits.

Article IX. Transition Provisions

- Sec. 9.01. Repeal of contrary laws.
- Sec. 9.02. Prior resolutions, orders and regulations.
- Sec. 9.03. Pending matters.
- Sec. 9.04. Judicial and other proceedings.
- Sec. 9.05. Rights and obligations.
- Sec. 9.06. Elected and appointed officers.
- Sec. 9.07. Zoning.
- Sec. 9.08. Referendum.
- Sec. 9.09. Effective date.

ARTICLE I. POWERS AND FUNCTIONS

Sec. 1.01. Powers and functions.

The Knox County Government shall exercise any power or perform any function which is not denied by the Constitution of the State of Tennessee. It is the intent of this Charter that limitations on the powers of County Government shall be strictly construed, and that grants of power to County Government shall be liberally construed.

Sec. 1.02. Private and local affairs.

With regard to private and local affairs, all lawful powers are vested in the Executive of Knox County and the Commission of Knox County, except those powers reserved to the judiciary. This investment of legislative, executive and other powers and duties shall be as full and complete, and the authority to perform or to direct them as broad, as is possible to delegate or confer, it being the intent to invest in the government of Knox County every authority, power and responsibility for the conduct of the affairs of the government of Knox County, including the powers to adopt and enforce resolutions, ordinances and emergency ordinances.

Sec. 1.03. Public corporation powers.

The government described herein shall be a public corporation vested with any and all powers which counties are, or may hereafter be, authorized or required to exercise under the Constitution and all applicable laws of the State of Tennessee, including, but not limited to, the power to do all things necessary or convenient for the provision of public services or public works projects now or hereafter authorized or contemplated by the Constitution and all applicable laws of the State of Tennessee.

Sec. 1.04. Public corporation rights.

The government of Knox County shall be a public corporation, with the right of perpetual succession, capable of suing and being sued, capable of purchasing, receiving and holding real and personal property and of selling, leasing, or disposing of the same to the fullest extent permit-

ted, and having all express, implied and inferred rights necessary or convenient to the exercise of its public corporation powers.

Sec. 1.05. Rights reserved to the people.

No provisions of this Charter, and no action by any officer or employee of the County acting under its authority, shall infringe upon rights, privileges and powers now or hereafter reserved or guaranteed to individual persons or to the people by the Constitution of the United States of America or the Constitution of the State of Tennessee.

ARTICLE II. LEGISLATIVE BRANCH

Sec. 2.01. Legislative powers.

The legislative power of the County is vested in the Commission of Knox County (hereinafter referred to as the "Commission"), which is the Legislative Branch and Legislative Body of Knox County. The legislative power of the County includes all lawful authority to adopt ordinances, emergency ordinances and resolutions governing the operation of government or regulating the conduct and affairs of the residents of the County, to adopt and amend the County budget, to fix all County tax rates and to provide for the collection of all County taxes, to release County taxpayers from double taxes, when such has occurred, to provide for corrections in tax lists, to appropriate County funds for any and all lawful purposes, and to exercise all other authority of a legislative nature which is vested in the County by the Constitution and all applicable laws of the State of Tennessee. The Commission may adopt any ordinance, emergency ordinance or resolution which is not in conflict with the Constitution or general laws of the State of Tennessee or this Charter.

Sec. 2.02. Other powers.

A. The Commission is vested with all other powers of the government of Knox County not specifically, or by necessary implication, vested in some other official of the County by the Constitution of the State of Tennessee, by this Charter or by law not inconsistent with this Charter. However, neither the Commission nor the Chairman-

(woman) of the Commission shall exercise any powers or perform any functions of the County Government which are vested, by the terms of this Charter, in either the Executive Branch or the Judicial Branch. Whenever any statute of the State of Tennessee purports to authorize the monthly or quarterly county court (or county chairman[(woman)] or county judge), the county commission (or chairman[(woman)] of the county commission) or the county executive to perform any administrative or executive act or function, then such act or function shall be performed by the Executive of Knox County except as otherwise provided in this Charter.

B. The Commission shall provide annually, by resolution, for an independent audit of the accounts and other evidences of financial transactions of the County and of every County office and such other special audits as the Commission deems necessary. Such audits shall be made by a certified public accountant or by a firm of certified public accountants designated by the Commission, and no individual auditor or member of an auditing firm so designated shall have any personal financial interest, direct or indirect, in the fiscal affairs of the County or of any of its offices. The designated certified public accountants shall be qualified by training and experience and shall have sufficient staff to perform the audits. No individual certified public accountant or firm of certified public accountants shall be employed to perform the audits for more than four (4) successive years.

C. By ordinance, the Commission shall establish rules and regulations governing all County purchases, sales, contracts for services and disposal of surplus property.

D. No sale or transfer of real property, or any interests therein, owned by the County shall be valid unless approved by resolution of the Commission.

E. By resolution which shall not be subject to veto by the Executive of Knox County, the Commission shall have the power to authorize the borrowing of money and the issuance of bonds, notes and other evidences of indebtedness of the

County and all matters pertaining thereto. Such a resolution shall be effective immediately upon its adoption by the Commission.

F. By resolution, the Commission may employ, contract with, or otherwise hire, any person(s) or business entity(ies) which it deems necessary to the exercise of the powers vested in it unless otherwise provided by this Charter.

G. By ordinance, the Commission may establish and name such special districts and, in connection therewith, shall provide for assessments, levies and collections of taxes and assessments with respect to any or all property, real or personal, or privileges within any such district and the pledge of the revenues derived and to be derived therefrom, all as in its judgment may be necessary or appropriate for the exercise within such district of any one or more of the public corporation rights or powers of the government of Knox County not then being exercised for the benefit of all citizens of the County. The subsequent exercise of any such right or power for the benefit of all citizens of the County shall not impair any special district theretofore established or any contracts, pledges or obligations of the government of Knox County with respect thereto.

H. Upon adoption of an approving resolution in each instance by the affirmative vote of two-thirds ($\frac{2}{3}$) of the entire Commission, the Commission and its authorized committees shall have full power and authority to hold public hearings, with power to subpoena witnesses and to administer oaths where necessary or desirable, for the purpose of either (1) gathering information necessary or desirable for the purpose of considering proposed Commission legislation, or (2) investigating any allegation of violations of this Charter, ordinances or emergency ordinances of the Commission brought by either the Executive of Knox County or any member of the Commission against any elected official or employee of the County. No such hearing shall be held with or without such subpoena power having been exercised except when a quorum of the Commission or any authorized committee, as appropriate, is present.

I. By resolution, the Commission may appoint members of the following boards and commissions: Knox County Board of Adjustments and

Enforcement; Knox County Agricultural Extension Committee; Knox County Air Pollution Control Board; Knox County Ambulance Review Commission; Knox County Board of Construction Standards and Applications; Knox County Board of Equalization; Knox County Board of Health; Knox County Housing Authority; Knox County Jail Inspection Committee; Knox County Library Board of Trustees; The Public Building Authority of the County of Knox and the City of Knoxville, Tennessee; Knox County Old Records Commission; Knox County Sheriff's Department Merit System Council; and two members of Knox County Personnel Board. All such appointees shall be residents of Knox County at the time of their appointment and at all times while serving on said board or commission. The Commission shall have the authority, by resolution, to remove and discharge all such members for good cause shown. (Ref. of 8-1-96)

Sec. 2.03. Membership and election; district, seats, reapportionment and redistricting.

A. The Commission members shall be elected by the people from such districts as may from time to time be provided by ordinance.

- (1) The Commission under this Charter shall initially consist of nineteen (19) members elected from nine (9) districts. The first Commission members shall be elected in the County general election of 1990 and shall be residents of, and represent, the nine (9) districts of the former Board of County Commissioners as shall exist on December 31, 1989. District numbers one (1) through eight (8) shall each consist of seats A and B and District number nine (9) shall consist of seats A, B and C. Any resident of any such district desiring to stand for election to the Commission and qualified to do so pursuant to the requirements of this Charter shall qualify in accordance with applicable law for one (1) specific seat representing such Commission district. Each qualified voter in any Commission district may vote for one (1) candidate for each Commission seat representing such district.

- (2) Subsequent to the year 1990, the Commission by ordinance may alter, by an affirmative vote of two-thirds ($\frac{2}{3}$) of the membership of the Commission, the number of Commission districts or the number of Commission members so long as:

- (a) the total number of Commission districts shall not be less than nine (9) or more than twenty-five (25); and
- (b) the total number of members of the Commission shall not be less than nine (9) or more than twenty-five (25); and
- (c) each seat is a separate office and not more than three (3) members shall be elected for any one (1) district; and
- (d) all districts comply with constitutional requirements.

B. The regular terms of the Commission members shall be four (4) years which shall all run concurrently. On or before December 31, 1991, and every ten (10) years thereafter, it shall be the duty of the Commission, based upon the most recent Federal decennial census, to reapportion and/or redistrict the Commission seats so as to comply with constitutional requirements. The voting precincts of Knox County shall be established by the Commission by ordinance unless otherwise provided by applicable law.

C. No person shall be eligible to serve as a member of the Commission unless that person shall have attained the age of eighteen (18) and is a resident of, and a registered voter in, the district from which such person seeks election on the date he/she filed his/her nominating petition and has been a resident of both the County and the district for one (1) year prior to such person's election; provided, however, that the district residency requirement shall not apply in the first general election at which Commission seats appear on the ballot following any reapportionment or redistricting of Commission districts. A member of the Commission shall remain a resident of the Commission district which such member represents during his/her term of office.

D. The Commission shall adopt its own rules of order and procedure. All resolutions, ordinances and emergency ordinances shall be adopted in accordance with the Constitution, all applicable laws of the State of Tennessee and this Charter.

E. In all proceedings of the Commission to either elect officers of the Commission or to fill vacancies in elective offices, the following procedure shall be followed:

- (1) Nominations may be made by members of the Commission only.
- (2) Each member of the Commission may vote in favor of one (1) nominee, by name, only.
- (3) Election of a nominee shall require a majority vote of the membership of the Commission. Prior to such election, the Commission shall, by resolution or ordinance, establish the procedure for arriving at a majority vote.

F. When any public office is to be filled by the Commission, if any member of the Commission accepts the nomination as a candidate for such public office, the following procedure shall be followed:

- (1) No member of the Commission who is absent from any proceeding to fill a public office shall be eligible to have his/her name placed in nomination unless either the Chairman(woman) of the Commission or the County Clerk shall have present at such meeting of the Commission a written acceptance of such nomination signed by such member of the Commission.
- (2) If a Commission member's name is placed in nomination, the Chairman(woman) of the Commission shall, prior to the first vote, require that member to either accept or decline the nomination. A refusal to either accept or decline shall disqualify that member for nomination.
- (3) No vote shall be recorded in favor of any member of the Commission who has either declined nomination or has been otherwise disqualified.

(4) The acceptance of nomination by a member of the Commission shall automatically disqualify such member to vote to fill that office.

(5) If the Commission member is elected, his/her seat on the Commission shall immediately be vacant.

Sec. 2.04. Commission members' salary and compensation.

The Commission shall set the compensation for members of the Commission which shall not be less than One Thousand Dollars (\$1,000.00) per month. The compensation allowed any member of the Commission shall not be decreased during the term of office and shall not be increased more than thirty percent (30%) during the term of office. Any increase in compensation shall be set by the annual budget.

Sec. 2.05. Meetings and quorum.

The Commission shall meet at least once each month at a time and place to be determined by the Commission. A quorum for the purpose of conducting business shall be a majority of the membership of the Commission.

Sec. 2.06. Election of chairman(woman) and vice chairman(woman).

The Commission, at its first session on or after September 1, 1990, and annually thereafter, shall elect from its membership a chairman(woman), vice chairman(woman), and such other officers as the Commission deems necessary. The election procedures shall follow those established pursuant to Section 2.03E.

Sec. 2.07. Removal of member of the Commission.

A member of the Commission may be removed from office according to the laws of the State of Tennessee.

Sec. 2.08. Vacancy.

In the event of a vacancy in the office of a member of the Commission, the remaining members of the Commission shall fill said vacancy with a person meeting the qualifications for said position until his/her successor is elected and sworn. The successor to the person so selected by the Commission to fill the vacancy shall be elected by the qualified voters of such Commission district at the next general election; provided, however, if such vacancy occurs within forty-five (45) days prior to the next general election, the person so selected by the Commission to fill the vacancy shall serve the remainder of the term of that Commission seat.

Sec. 2.09. Ordinances, emergency ordinances and resolutions.

A. Generally.

- (1) The Commission shall exercise its legislative authority by resolution, ordinance, or emergency ordinance as hereinafter set forth.
- (2) No ordinance, emergency ordinance or resolution shall become effective which embraces more than one (1) subject, the subject to be expressed in its caption.
- (3) All ordinances, emergency ordinances, and resolutions which repeal, revise or amend former ordinances, emergency ordinances or resolutions shall recite in their caption the number and date of adoption of the ordinance, emergency ordinance or resolution repealed, revised or amended.
- (4) In order to become effective, any ordinance or resolution shall receive a majority vote of the membership of the Commission except the following:
 - (a) Any ordinance proposing an amendment to this Charter shall be adopted by a favorable vote of two-thirds ($\frac{2}{3}$) of the membership of the Commission.
 - (b) Any resolution authorizing the Commission, or its authorized committee(s), to hold public hearings pursuant to Section 2.02.H of this Charter

shall be adopted by a favorable vote of two-thirds ($\frac{2}{3}$) of the membership of the Commission.

- (c) Any ordinance pursuant to Section 2.03.A.(2) of this Charter shall be adopted by a favorable vote of two-thirds ($\frac{2}{3}$) of the membership of the Commission.
- (d) All emergency ordinances shall be adopted in accordance with applicable law and this Charter.
- (5) No ordinance, emergency ordinance or resolution shall become effective unless the following procedure is followed:
 - (a) Each member of the Commission present shall distinctly, audibly or visually cast his/her vote, and the County Clerk shall record, in writing, each member's vote as "aye," "nay," or "abstain."
 - (b) At the conclusion of each vote, either the Chairman(woman) of the Commission or the County Clerk shall distinctly and audibly announce the tally of each category of votes cast.
 - (c) No member of the Commission shall change his/her vote after the vote is announced unless granted the right to do so by a majority of the membership of the Commission at such Commission meeting at which the original vote was cast. It shall be the duty of the Chairman(woman) of the Commission or the County Clerk, at the time of such vote change, to announce distinctly, audibly or visually the caption of the subject legislation as well as the name and manner of vote change of such member of the Commission.
 - (d) Upon the adjournment of each and every meeting of the Commission, it shall be the duty of the County Clerk to maintain and preserve, unchanged, as public records available for inspection during reasonable office hours, the voting record for each and every ordinance, emergency ordinance and resolution.

- (6) It shall be the duty of the County Clerk to deliver to the Executive of Knox County true and attested copies of all ordinances, emergency ordinances and resolutions within four (4) days of final adoption by the Commission.
- (7) It shall be the duty of the County Clerk to deliver to the County Law Director true and attested copies of all ordinances, emergency ordinances and resolutions within thirty (30) days of their effective date.
- (8) The County Clerk shall number and compile in an ordinance book all ordinances and emergency ordinances and shall number and compile in a resolution book all resolutions and shall preserve such books in the County Clerk's office. The County Clerk shall furnish a true copy for a reasonable fee to any person so requesting.
- (9) It shall be the duty of the County Clerk to provide copies of this Charter and amendments thereto, together with all ordinances and emergency ordinances, to the Knox County Code Commission as provided in Section 4.05 of this Charter.
- (10) The County Clerk may delegate to his/her deputy(ies) any or all duties imposed upon the County Clerk by this Charter; provided, however, nothing in this Paragraph (10) shall be construed to relieve the County Clerk of any and all responsibilities imposed upon him/her by this Charter.

B. Ordinances.

- (1) An ordinance shall be considered to be on the agenda of any meeting of the Commission only if:
 - (a) the caption of such ordinance is quoted verbatim in the agenda for such meeting and a copy of such agenda has been made available to each and every member of the Commission not later than five (5) days prior to such Commission meeting; and
 - (b) a copy of such ordinance has been made available to each member of the Commission at least forty-eight (48) hours prior to such meeting.
- (2) To become effective, each ordinance shall be adopted in accordance with all applicable laws of the State of Tennessee; provided, however, in the absence of any applicable law in conflict with this Charter, to become effective, each ordinance shall be approved by a majority of the members of the Commission upon two (2) readings.
- (3) An ordinance shall take effect on the fifteenth (15th) day following its passage on final reading.
- (4) Ordinances imposing fines or imprisonment as punishment for violation thereof shall be enforced by the Chief Law Enforcement Officer of the County unless such ordinance otherwise provides. Persons charged with violation of such an ordinance shall be tried in the Court of General Sessions. Any fines or penalties, or both, and court costs collected for such violation, shall be paid into the County general fund.

C. Emergency ordinances.

- (1) An emergency ordinance shall be so designated in its caption.
- (2) To become effective, an emergency ordinance shall be adopted in accordance with all applicable laws of the State of Tennessee; provided, however, that in the absence of applicable law in conflict with this Charter, an emergency ordinance shall be adopted by an affirmative vote of two-thirds ($\frac{2}{3}$) of the members of the Commission pursuant to the following procedure:
 - (a) An emergency ordinance which appears on the regular agenda, as any other ordinance, pursuant to Section 2.09.B, shall take effect either upon the signature of the Executive of Knox County or, in the absence of a veto as hereinafter provided and without the signature of the Executive of Knox County, upon the eighth (8th) day following its adoption upon one (1) reading by the Commission, whichever first occurs.

- (b) An emergency ordinance may be added to the agenda of any meeting of the Commission at which a quorum is present by unanimous consent of the members of the Commission present and voting for the sole purpose of a reading thereof; such emergency ordinance may be adopted upon second (2nd) reading at the next meeting of the Commission. Such emergency ordinance shall become effective either upon the signature of the Executive of Knox County or, in the absence of a veto as hereinafter provided and without the signature of the Executive of Knox County, upon the eighth (8th) day following its adoption, whichever first occurs.

D. *Resolutions.* All resolutions shall be adopted upon receiving a majority vote of the membership of the Commission upon one (1) reading and shall become effective in accordance with Section 2.10 of this Charter.

Sec. 2.10. Signature and veto by the Mayor of Knox County.

A. Every ordinance, emergency ordinance and resolution shall be submitted to the Mayor of Knox County for approval or veto; provided, however, that this requirement shall not apply to (1) resolutions authorizing the borrowing of money and the issuance of bonds and notes and other evidences of indebtedness of the County and all matters pertaining thereto, as provided in Section 2.02.E of this Charter, which resolutions shall become effective immediately upon their adoption by the Commission, or (2) ordinances, emergency ordinances and resolutions affecting zoning regulations, which shall become effective immediately upon their adoption by the Commission. Upon the signature of the Mayor of Knox County, an ordinance, emergency ordinance or resolution becomes effective as provided in Sections 2.09 and 2.10 of this Charter.

B. Any ordinance or resolution vetoed by the Mayor of Knox County shall be returned to the County Clerk within ten (10) days after the ordinance or resolution is required by this Charter to

be submitted to the Mayor. Any emergency ordinance vetoed by the Mayor of Knox County shall be returned to the County Clerk within three (3) days after the emergency ordinance is required by this Charter to be submitted to the Mayor. The County Clerk shall notify the members of the Commission, in writing, within five (5) days of receipt by the County Clerk.

C. Any vote of the Commission to override the veto of the Mayor of Knox County shall be taken within thirty-five (35) days of the expiration of the period required of the County Clerk to notify the members of the Commission of the veto which is the subject of such override vote. The affirmative vote of not less than a majority plus one (1) of the membership of the Commission shall be required to override the veto of the Mayor of Knox County; provided, however, in the case of ordinances and emergency ordinances requiring a two-thirds ($\frac{2}{3}$) vote for original passage, a two-thirds ($\frac{2}{3}$) vote of the membership of the Commission shall be required to override the veto of the Mayor of Knox County. The ordinance, emergency ordinance or resolution shall immediately become effective upon the Commission overriding the veto.

D. If the Mayor of Knox County fails either to sign or veto an ordinance or resolution and to report this action to the County Clerk within ten (10) days after the ordinance or resolution is required by this Charter to be submitted to the Mayor (or within three (3) days in the case of an emergency ordinance), the Mayor of Knox County shall have no further power to veto the ordinance, emergency ordinance or resolution, and it shall become effective without the signature of the Mayor of Knox County upon the expiration of the time periods in this paragraph provided, or at a later date if the ordinance or resolution so provides.

(Ref. of 8-6-04)

ARTICLE III. EXECUTIVE BRANCH

Sec. 3.01. Executive and administrative powers.

The executive and administrative powers of the Knox County Government shall be vested in, and exercised by, the Mayor of Knox County

(hereinafter referred to as the "Mayor"), also called the Executive Branch, and, under the Mayor's control and direction, by such subordinate major divisions, departments, boards, offices, officers and agencies as established from time to time.

(Ref. of 8-6-04)

Sec. 3.02. Executive branch.

The Mayor shall be the head of the Executive Branch of Knox County Government, responsible for the exercising of all executive and administrative functions of the County Government and shall be the chief fiscal officer of the County. The Mayor shall devote his full time to the performance of his duties as the Mayor.

(Ref. of 8-6-04)

Sec. 3.03. The Mayor's duties.

The Mayor shall:

- A. See that all provisions of this Charter, resolutions, ordinances and emergency ordinances of the Commission and all applicable laws of the State of Tennessee subject to execution by Knox County are faithfully executed; provided, however, the Mayor shall not assume any of the constitutional, statutory or Charter duties of the Sheriff.
- B. Prepare and submit to the Commission, with the assistance of appropriate department heads and other responsible officials, budgets and financial reports. The Mayor shall present a consolidated budget of the County to the Commission on or before June 1 of each and every year in order for the Commission either to approve said budget as presented or to modify and amend the same as may be deemed requisite in order to determine the amount of taxes necessary to be levied. The adoption of the budget by the Commission shall be by resolution.
- C. Examine regularly the accounts, records and operations of every department, office and agency of the County; make regular reports to the Commission on the affairs of the County; keep the Commission fully advised of the financial condition and the future needs of the County; and make such recommendations to the Commission on County affairs as he/she deems appropriate.
- D. Take such other executive and administrative actions as are permitted or required by this Charter and all applicable laws of the State of Tennessee or as may be prescribed by the Commission.
- E. Have power to contract with various municipalities, other governmental units or public corporations in the County for the consolidation of services and functions, upon the authorization of the Commission by resolution. The Mayor may also contract with one or more states or counties, or both, for institutional or other services which may be rendered more efficiently or economically.
- F. Provide for and maintain all accounting systems necessary for the County and for each department, office and agency thereof. The Mayor shall maintain such systems in accordance with generally accepted accounting principles applicable to governmental entities, keeping accounting records for, and exercising financial and budgeting control over, such department, office or agency. All warrants in payment of obligations of the County shall be signed by the Mayor, either in person or by facsimile, except where another officer is authorized so to do by either applicable law or this Charter.
- G. Have veto power over the annual budgets of the County which may be exercised by vetoing specific items or parts of items without invalidating the whole. The veto shall be exercised and may be overridden by the procedure as provided in Section 2.10 of this Charter; provided, however, that no veto pursuant to this paragraph shall be valid unless the Mayor, within the time provided for vetoes in Section 2.10.B of this Charter, shall provide, in writing to the County Clerk, the following information:
 - (1) a list of the specific items, or parts of items, vetoed; and

- (2) an amount for each specific item, or parts of items, less than, and in lieu of, the amount contained in each specific item, or parts of items, vetoed; and
- (3) an explanation by the Mayor as to his/her reason for each such veto.

Such reduced amount of each specific item, or parts of items, shall become a part of such annual budget if such item, or parts of items, are not overridden by the Commission; provided, however, nothing contained in this paragraph shall be construed as prohibiting the Commission thereafter, by resolution pursuant to Sections 2.09 and 2.10, amending or supplementing such annual budget, including such vetoed items.

- H. Appoint members of all boards, authorities and commissions not delegated by this Charter to appointment by the Commission. All appointees shall be residents of Knox County at the time of their appointment and at all times while serving on said board, authority or commission. Such members may be removed and discharged for good cause shown.
- I. Have the right to serve, individually, or to appoint from administrative assistants, executive assistants or any head of any division or department of the County, in writing, a designee, to serve in place and stead of the Mayor on any board or commission of which the Mayor is a member by law. Said designee shall have all powers, including the power to vote, as are conferred upon the Mayor. Any designee appointed by the Mayor under the provisions of this Section shall be appointed to serve in that capacity for at least one (1) year, or for the remainder of the term of office of the Mayor, whichever is less. During such periods of appointments, either the specified designee or the Mayor may exercise the voting powers granted by this Section. However, at any meeting attended by the Mayor, only the Mayor shall exercise the voting power.

- J. Negotiate and execute loans, bonds, notes and other evidences of indebtedness of the County to the extent provided in the resolution authorizing the same.
- K. Maintain the records of County indebtedness and have charge of the payment of principal and interest thereon.
- L. Examine all contracts, orders and other documents by which financial obligations are incurred by the County, or by any of its officials or officers, and indicate the availability of funds to meet these obligations, and certify thereto.
- M. Have the sole power and authority to enter into contracts on behalf of Knox County, except as otherwise provided in this Charter. Contracts and purchases on behalf of the County shall be entered into by the Mayor or the Mayor's designee. On all contracts in an amount greater than \$50,000, or such greater amount as established in advance by the Commission, the Mayor shall obtain the approval of the Commission by resolution prior to execution.
- N. Develop purchasing regulations for all purchases made with funds that have been collected for the use of Knox County. Any such purchasing regulations shall be enacted as an Ordinance by the Knox County Commission. To the maximum extent allowed by law, each constitutional, statutory or Charter official of Knox County, whether appointed or elected, shall be required to follow the provisions of the Knox County Purchasing Ordinance for construction or purchases of goods and services with public funds.

(Ref. of 8-6-04)

Sec. 3.04. Mayor—Term, qualifications, compensation.

The Mayor shall be elected by the qualified voters of Knox County each four (4) years, commencing with the 1990 County general election, and shall take office on September 1 following his/her election. The Mayor shall be twenty-five (25) years of age or older, a resident of Knox

County at least one (1) year prior to filing for this office and shall remain a resident of Knox County during his/her term of office. The Mayor's compensation shall be set by the Commission which compensation shall be greater than the compensation paid any other elected County official. Such compensation shall be paid in equal monthly installments. The salary of the Mayor may be changed from time to time by resolution of the Commission; provided, however, that such compensation shall not be decreased during the term for which the Mayor was elected; and, provided further, the Commission shall take no action changing the Mayor's salary for any succeeding term of the Mayor during the year in which the Mayor is to be elected.

(Ref. of 8-6-04)

Sec. 3.05. Same—Vacancy.

If a vacancy occurs in the office of Mayor by death, resignation, removal, or disability, the vacancy shall be filled by the Commission with a person meeting the qualifications for said position until his/her successor is elected in the next general election and sworn; provided, however, if such vacancy occurs within forty-five (45) days prior to the next general election, the person so selected by the Commission to fill the vacancy shall serve the remainder of the term of the Mayor.

(Ref. of 8-6-04)

Sec. 3.06. County departments and other entities.

A. The Mayor, subject to approval by resolution of the Commission, may create or abolish major departments of County Government with each department having a Department Director. The Department Directors of the County shall be appointed by the Mayor, shall be subject to dismissal by the Mayor without cause, and shall be residents of Knox County at the time they assume the duties of their office and at all other times while serving the County in such capacity.

B. The duties, powers and functions of the departments of the County Government shall be generally as set by ordinance, and their jurisdiction shall extend throughout the County Government.

C. The Mayor, subject to approval or ratification by resolution of the Commission, may create and establish, or cause the creation and establishment of, nonprofit corporations or authorities in accordance with general law to act for or on behalf of the County alone or in conjunction with one or more municipalities, counties, other governmental units, public corporations, or combination thereof, for public, civic or charitable purposes. Any such corporation shall have all the powers and privileges provided by general law unless restricted by its corporate charter. No County funds shall be appropriated, contributed or loaned to any such corporation nor shall the County enter into any contract with such corporation without the prior approval of the Commission by resolution.

(Ref. of 8-6-04)

Sec. 3.07. Budget procedures.

A. The head of each County department or County office, including constitutional officers, shall, upon request, furnish to the Mayor in a form specified by the Mayor:

- (1) estimates of the revenues and expenditures of the department or office for the ensuing fiscal year and/or balance of the current fiscal year,
- (2) estimates of the costs of any capital improvements pending or proposed to be undertaken (i) within the ensuing fiscal year and (ii) within the four (4) fiscal years immediately thereafter, and
- (3) such other information as the Mayor requests.

B. All constitutional officers shall submit their budgets to the Mayor no later than May 1 of each and every year. The Mayor shall submit a consolidated budget to the Commission.

C. All offices or departments which receive appropriations from County Government shall utilize such appropriations strictly in accordance with the applicable provisions of the budget as finally approved or amended; provided, however, upon the recommendation of the chief elected administrative officer of the unit or department, or if none, the Mayor, the Commission may pro-

vide for approval of transfers between line items within the budget of offices or departments. The chief elected administrative officer of the unit or department, or if none, the Mayor, shall affirmatively certify that such transfer will not impair the necessary functions or operations of the office(s) or department(s). Capital appropriations shall not be altered or varied except with the approval of the Commission by resolution. No appropriation shall be reduced below the level required either by law or by bond covenants. (Ref. of 8-6-04)

Sec. 3.08. Knox County Law Director.

A. The office of County Law Director is hereby established. The Law Director shall be an attorney duly licensed to practice law in the State of Tennessee, shall devote full time to the duties of the office of Law Director and shall not engage in the private practice of law while holding the office of Law Director for Knox County except for the purpose of disposing of matters or cases for which he/she was employed as of the date of his/her election.

B. The salary of said Law Director is hereby fixed as the same salary as is provided by law for judges of the Circuit and Chancery courts for the State of Tennessee, which salary shall not be lowered during the Law Director's term of office. The Law Director's salary shall be payable in equal monthly installments from the general funds of the County.

C. The Law Director shall be elected by the qualified voters of Knox County at the 1992 County general election and at the County general election at which the Assessor of Property is elected and each and every four (4) years thereafter. The Knox County Law Director shall be subject to the term limits provisions of this Charter to the same extent as any Constitutional officer of Knox County Government, as that term is defined by Article VII, Section 1 of the Tennessee Constitution.

D. It shall be the duty of the Law Director to take the oath of office prescribed for other County officials and appropriate to his/her office before entering upon the discharge of his/her duties, and thereafter to execute and administer all of the

legal affairs of the County, including litigation, drafting of contracts or other documents, instruments and papers, the investigation of titles, and to advise and counsel County officials and the Commission on all legal matters affecting their respective offices. No elected or appointed officer or employee of the County shall employ any other attorney to represent the County or any officer, board, or member of the Commission unless he/she shall first be authorized and empowered to do so by resolution of the Commission. Provided, however, that the Law Director shall have authority, within the budget approved by the County Commission for this purpose, to hire outside counsel when, in the judgment of the Law Director, such is necessary for the fulfillment of his/her duties under the Section.

E. The County shall pay all reasonable and necessary expenses incurred by the Law Director in the discharge of his official duties, subject to submission of such bills, receipts, invoices, or other documents and papers as may be required by the accounting practices established for the County Government.

F. The Law Director is hereby authorized to employ such assistants and office personnel as may be necessary for the discharge of the Law Director's duties at salaries to be set by the Commission. The Commission shall provide suitable offices, appurtenances, and conveniences for the Law Director and the use of his/her assistants and office personnel. The Commission shall also furnish the Law Director with appropriate equipment, furniture, and supplies as may be necessary in the performance of his/her duties, including an appropriate law library. (Ref. of 8-6-04)

Sec. 3.09. Sheriff.

The Sheriff shall be the Chief Law Enforcement Officer of the County and is charged with the enforcement of such ordinances as provided in this Charter. The Sheriff shall be elected by the qualified voters of Knox County according to law, and shall have all powers and duties, either expressly or impliedly, now or hereafter conferred by law and this Charter.

ARTICLE IV. JUDICIAL BRANCH

Sec. 4.01. Judiciary.

A. The judiciary of Knox County Government shall be vested in the existing courts of Knox County or in any other courts established by law. Judges of the various courts of Knox County shall expressly continue as elective officers with all powers and duties conferred or implied by law upon their respective offices.

B. The Commission may, by ordinance, create such additional divisions of the General Sessions Court, as well as courts having such jurisdiction as is, or may hereafter be, provided by law, which it deems necessary and may abolish such divisions so long as the Commission shall comply with Section 4.03 of this Charter. Such additional divisions of the General Sessions Court may be given exclusive jurisdiction over County ordinance violations, and such other jurisdiction as may be authorized by all applicable laws of the State of Tennessee and this Charter.

Sec. 4.02. Vacancy.

If a vacancy occurs in any judicial office of the General Sessions or Juvenile Court, or in any other County judicial office established by law or by this Charter in Knox County, then that vacancy shall be filled by a vote of the Commission as prescribed in this Charter, and the person so selected shall serve until his/her successor is elected and sworn.

Sec. 4.03. Abolishing divisions or altering compensation.

Nothing herein shall grant to the Commission the power to abolish a division of any General Sessions Court, or any other County judicial office, during the term of office of a judge of that court, nor shall the Commission alter the compensation of any judge of any court of the County during the term of office of such judge. The Commission shall not abolish any division or alter the compensation of any judge for a subsequent term of any court of the County during the year in which an election of the judge of such court shall be held.

Sec. 4.04. Rules of court and evidence.

Nothing herein contained shall confer upon the Commission the power to make rules of court, rules of evidence, or otherwise affect the rules of civil or criminal procedure applicable to the courts of Knox County. The power to make rules of court or rules of evidence shall be expressly reserved to the respective courts of Knox County, and/or to the Supreme Court of the State of Tennessee, and the Tennessee General Assembly, as applicable by law.

Sec. 4.05. Reserved.

Editor's note—Referendum of August 6, 2004, repealed § 4.05 in its entirety, which pertained to the Knox County Code Commission and derived from original codification.

Sec. 4.06. Fourth Circuit Court.

There is hereby established the Circuit Court, Division IV of the Third Judicial Court of the State of Tennessee, hereinafter referred to as the Fourth Circuit Court for Knox County, Tennessee. The Fourth Circuit Court for Knox County, Tennessee, has previously been established by Chapter 265 of the Public Acts of 1965 and it is the intent of this Charter to continue said Court pursuant to the Act with full Charter status.

Sec. 4.07. Juvenile Court.

There is hereby established the Juvenile Court of Knox County, Tennessee. The Juvenile Court of Knox County, Tennessee, has previously been established by Chapter 277 of the Private Acts of 1913, as amended, and it is the intent of this Charter to continue the Juvenile Court of Knox County, Tennessee, pursuant to the Act with full Charter status.

ARTICLE V. EDUCATION

Sec. 5.01. Board of Education.

A. There is hereby created the Knox County Board of Education. The exclusive management and control of the school system of Knox County (hereinafter referred to as the "School System") is vested in the Knox County Board of Education (hereinafter referred to as either the "Board of

Education" or the "Board"). The Board of Education members shall be elected by the people and shall take office on September 1 following their respective elections.

B. The Board of Education under this Charter shall consist of nine (9) members elected from nine (9) districts. The regular terms of the Board members shall be four (4) years with four (4) members elected at the time of the election of the County Assessor of Property and five (5) members elected at the time of the election of the Executive. In the event that the time of election of the County Assessor of Property shall be changed, by general law, to run concurrently with the other constitutional officers having four (4) year terms, the Commission, by ordinance, shall adopt a procedure to provide that all members of the Board of Education shall be elected at the same time and have concurrent terms.

C. At the County general election of 1990 a member of the Board of Education shall be elected for each of the school districts 1, 4, 6, 7 and 9 for terms of four (4) years. The members of the Board of Education from school districts 2, 3, 5 and 8 elected for four (4) year terms in the general election of 1988, as provided in Chapter 339 of the Private Acts of 1970, as amended, shall serve as members of the Board of Education until the County general election of 1992 at which time members of the Board of Education from such districts shall be elected for regular terms.

D. The districts of the members of the Board of Education shall be the districts as shall exist on December 31, 1989. The Board of Education, by resolution, may from time to time alter the boundaries of districts so long as all districts comply with constitutional requirements. On or before December 31, 1991, and every ten (10) years thereafter, it shall be the duty of the Board of Education, based upon the most recent Federal decennial census, to reapportion the Board of Education districts so as to comply with constitutional requirements.

E. No person shall be eligible to serve as a member of the Board of Education unless that person shall have attained the age of eighteen (18) and is a resident of, and a registered voter in, the district from which such person seeks election

on the date he/she filed his/her nominating petition and has been a resident of both the County and the district for one (1) year prior to such person's election; provided, however, that the district residency requirement shall not apply in the first general election at which a seat on the Board of Education appears on the ballot following a reapportionment of the Board districts. A member of the Board shall remain a resident of the Board district which such member represents during his/her term of office. No member of the Commission or any other public official or employee of the Board of Education shall be eligible for appointment or election to the Board of Education. (Ref. of 8-1-96)

Sec. 5.02. Board duties and powers.

A. The Board shall hold regular meetings at least monthly. The Chairman(woman) may call such special meetings when, in his/her judgment, the interest of the public schools require it or when requested to do so in writing by five (5) members of the Board.

B. The Board, at its first meeting on or after September 1, 1990, and annually thereafter, shall elect from its membership a Chairman(woman), Vice Chairman(woman), and such other officers as the Board deems necessary.

C. The Board shall have all such duties, powers and authority necessary or reasonably implied to manage and control the County School System as provided by Constitution, general law, this Charter or ordinance.

D. The Board may adopt such rules of order to govern its proceedings as it considers advisable and authorize such committees as necessary to carry out its responsibilities. Six (6) members of the Board shall constitute a quorum.

E. The Superintendent of Schools shall be the Secretary of the Board and the Executive Officer of the Board. The Chairman(woman) shall be the presiding officer of the Board and appoint all committees of the Board.

F. The Superintendent of Schools and the Chairman(woman) of the Board shall constitute the Executive Committee of the Board and shall meet as often as necessary to perform their du-

ties. All actions of the Executive Committee shall be submitted to the Board at its meetings and shall be subject to ratification, modification or rejection by the Board.

G. All members of the Board shall give bond in an amount and under such terms as provided by law or ordinance.

Sec. 5.03. Board salary and compensation.

Each member of the Board shall receive compensation in the same amount per month as provided for members of the Commission.

Sec. 5.04. Superintendent of Schools.

A. The Superintendent of Schools (hereinafter sometimes referred to as the "Superintendent") shall be the chief administrative officer and executive official of the School System.

B. The Superintendent shall be responsible for the exercising of all executive and administrative functions of the School System. The Superintendent shall have all duties and exercise all powers and authority necessary to perform his/her responsibilities as authorized by general law, this Charter, ordinance, emergency ordinance or resolution.

C. The Superintendent of Schools shall be selected in accordance with State law.

D. No person shall be eligible to serve as Superintendent of Schools unless that person shall have attained the age of twenty-five (25) and has obtained the necessary education and certifications required by general law to hold such office. The Superintendent shall remain a resident of the County during his/her term of office.

E. The Superintendent of Schools shall receive annual compensation, paid in equal monthly installments, of not less than the amount provided by general law or not less than any elected County official, except the Mayor, whichever is greater.

(Ref. of 8-1-96; Ref. of 8-6-04)

Sec. 5.05. Board of Education employees.

Knox County adopts the Tennessee teacher tenure statutes. All employees of the Knox County

School System not covered by the Tennessee teacher tenure statutes or separate contract shall be considered employees at will.
(Ref. of 8-6-04)

ARTICLE VI. PENSIONS

Sec. 6.01. Continuation of present system.

Pursuant to the provisions of Chapter 246, Private Acts 1967-68, as amended, the County has established a local retirement system for County employees except for certified employees of the School System. The intent of this Charter is to continue such system with its powers and authority under this Charter.

Sec. 6.02. Pension system.

A. There is hereby created a system of pension and/or retirement and/or benefits for elected officials and employees of Knox County Government.

B. The intent of this Charter is to empower the Knox County Retirement and Pension Board (hereinafter sometimes referred to as the "Retirement Board") to design, adopt, administer and place into effect a financially sound retirement system and other benefits provided by ordinance.

C. The Retirement Board shall not adopt a policy, plan, plan amendment or administrative action unless it is actuarially sound and is actuarially funded at the time of adoption.

Sec. 6.03. Knox County Retirement and Pension Board.

A. The Knox County Retirement and Pension Board shall have nine (9) members. The members shall be the Mayor, four (4) members of the Commission to be selected by a majority vote of the membership thereof and four (4) current employees of Knox County who are participating members of the system.

B. The Commission shall select four (4) of its members to serve on the Knox County Retirement and Pension Board at its first session on or after September 1, 1990, and every four (4) years thereafter for terms of four (4) years concurrent with their terms as members of the Commission.